

Attorney Docket No.: T3109(C)
Serial No.: 10/587,136
Filing Date: July 21, 2006
Confirmation No.: 3175

ELECTION OF SPECIES IN RESPONSE
TO ELECTION/RESTRICTION REQUIREMENT

In response to an Office Communication mailed on December 16, 2008, requiring Election of Species under 35 USC §121, please consider the following Election set forth below.

The Commissioner is hereby authorized to charge any additional fees, which may be required to our deposit account No. 12-1155, including all required fees under: 37 C.F.R. §1.16; 37 C.F.R. §1.17; 37 C.F.R. §1.18.; 37 C.F.R. §1.136.

Election of Species

I) The Examiner held that election of one method of administration as recited either in claim 8 or claim 9 or claim 10 was required.

Applicants elect with traverse the method of administration recited in claim 8 for initial examination on the merits.

Claim 8 recites a method of increasing the ratio of light melanin to dark melanin in the skin of a mammal, the method comprising administering to said mammal an effective amount of (a) a flavanoid, (b) vitamin C and (c) vitamin E wherein at least component (b) is administered systemically and the other components are administered topically.

Thus, in this method at least the vitamin C is administered systemically and the flavanoid and the vitamin E are administered topically.

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Basis for Traverse

Applicants respectfully submit that dependent claims 9 and 10 belong to the same invention as claim 8. The amended claims include the same chemical components, but narrow the scope of the parent claim through the application of selection criteria that are disclosed in and are within the scope of the parent claim.

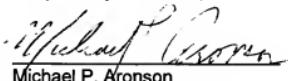
Furthermore, claims 8-10 involve the same three chemical components, and the same two modes of administration. Thus, applicants submit that their searching as a group would involve exactly the same search terms and would not raise any additional search burdens or different prior art issues.

ii) The Examiner held that election of one flavanoid composition as recited in Claim 16 or Claim 17 was required.

Applicants elect the flavanoid composition recited in Claim 16, namely, a flavanoid comprising a mixture of proanthocyanidins and anthocyanidins.

If a telephone conversation would be of assistance in advancing prosecution of the subject application, applicants' undersigned agent invites the Examiner to telephone him at the number provided.

Respectfully submitted,


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